

SIXTY-SIXTH DAY.

Senate Chamber,
Austin, Texas, Thursday, April 13, 1899.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	Terrell.
Linn.	Wayland.
Lloyd.	Yantis.

Absent.

Gough. Yett.
Turney.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending reading of the Journal of yesterday,

On motion of Senator Miller, the same was dispensed with.

EXCUSED.

On motion of Senator Morriss, Senator Lloyd was excused for non-attendance upon the Senate on Monday, Tuesday and Wednesday, on account of important business.

Senator Morriss moved that Senator Yett be excused for non-attendance upon the Senate for Wednesday and the remainder of the week, on account of sickness in his family.

Excused by the following vote:

Yeas—19.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Johnson.	Wayland.
McGee.	Yantis.
Miller.	

Nays—8.

Atlee.	Lloyd.
Davidson.	Odell.
Kerr.	Ross.
Linn.	Stafford.

Absent.

Gough. Yett.
Turney.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives,
Austin, Texas, April 13, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 172, A bill to be entitled "An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas, to define his duties, term of office, mode of qualification and compensation, to abolish the office or position of steward, quartermaster or other similar position in said institutions, to require all supplies to be purchased by said agent under competitive bids or contracts, to provide for the appointment of storekeepers or accountants in said institutions, and define the duties thereof, to make an appropriation for the salary of said Purchasing Agent, to provide for the appointment of two clerks for said Purchasing Agent, and to make appropriation for their salaries," with amendments.

Also Senate bill No. 144, A bill to be entitled "An Act to authorize the Texas & New Orleans Railroad Company to own and operate, or to amend its charter or articles of incorporation so as to authorize it to own and operate a railroad connection between the railroad known as the Sabine & East Texas Railway, and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of making such railroad connection; to confirm the purchase by the Texas & New Orleans Railroad Company of said railroad known as the Sabine & East Texas Railway, its franchises and appurtenances, and to authorize said railroad company to own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same with its franchises and appurtenances to the said Texas & New Orleans Railroad Company, and to prescribe the conditions upon which such sales shall be valid; to authorize the Texas & New Or-

leans Railroad Company to issue additional mortgage bonds to the amount of the value, as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties and the operation thereof," with amendments.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Senator Miller moved that Senator Gough be excused for non-attendance upon the Senate yesterday afternoon and for the remainder of the week on account of sickness.

Upon this motion, Senator Stafford moved a call of the Senate.

Motion duly seconded, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Patterson.
Grinnan.	Potter.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	Terrell.
Linn.	Wayland.
Lloyd.	Yantis.

Absent.

Gough. Turney.

Absent—Excused.

Yett.

Senator Hanger moved that the absentees be excused.

Excused by the following vote:

Yeas—19.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Johnson.	Wayland.
McGee.	Yantis.
Miller.	

Nays—8.

Atlee.	Lloyd.
Davidson.	Odell.
Kerr.	Ross.
Linn.	Stafford.

Present—Not voting.

Lewis.

Absent.

Gough.

Turney.

Absent—Excused.

Yett.

Call suspended.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, April 13, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Insurance, Statistics and History, to whom was referred

House bill No. 401, being a bill to be entitled "An Act to amend Articles 3094 and 3095, and to add Article 3095a, Chapter 3, Title LVIII, of the Revised Civil Statutes of the State of Texas, making any person or persons, company, co-partnership or corporation which shall make, or cause to be made, write, or cause to be written, either for himself or for another, any contract or policy of insurance in any insurance company not authorized to do business in this State, liable to the State for the same taxes and penalties, general and special, State, county and municipal, as insurance companies that have been legally qualified and admitted to do business in the State by agents or otherwise, and prescribing method of collecting such tax, and fixing penalty for non-compliance with terms and conditions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

McGEE, Chairman.

PENDING BUSINESS.

The Chair laid before the Senate, as pending business,

House bill No. 342 (the Dallas city charter bill), action being on second reading.

By Senator Stafford:

"Amend by striking out Section 103."

Pending consideration, Hon. N. A. Cravens, Private Secretary of the Governor, was announced and the Chair laid before the Senate the following

EXECUTIVE MESSAGES.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 13, 1899.

To the Honorable, the Senate.

I ask leave to withdraw from your con-

sideration the names of Robert H. Rice of Starr county, and F. J. Maier of Comal county, heretofore recommended to you for appointment as notaries public.

JOSEPH D. SAYERS,
Governor.

EXECUTIVE OFFICE,
STATE OF TEXAS,
Austin, April 13, 1899.

To the Honorable, the Senate.

The advice and consent of the Senate is asked to the following appointments:

A. C. Wilmeth of Scurry county, District Attorney of the Thirty-ninth Judicial District, vice R. C. Crane, resigned.

James M. Goggin of Maverick county, Judge of the Forty-first Judicial District, vice Walter Gillis, resigned.

R. A. McReynolds, W. H. Gilliland, John Dillon, Gus Higby and A. H. Roland of Jefferson county, Commissioners of Pilots at the Port of Sabine Pass.

JOSEPH D. SAYERS,
Governor.

PENDING BUSINESS.

The Senate resumed consideration of House bill No. 342, action being on the amendment offered by Senator Stafford.

(Senator Yantis in the chair.)

Pending discussion,

(Lieutenant-Governor Browning in the chair.)

PRIVILEGED MOTIONS.

Senator Greer called up

Senate bill No. 144, A bill to be entitled "An Act to authorize the Texas & New Orleans Railroad Company to own and operate, or to amend its charter or articles of incorporation so as to authorize it to own and operate a railroad connection between the railroad known as the Sabine & East Texas Railway, and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of making such railroad connection; to confirm the purchase by the Texas & New Orleans Railroad Company of said railroad known as the Sabine & East Texas Railway, its franchises and appurtenances, and to authorize said railroad company to own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same with its franchises and appurtenances

to the said Texas & New Orleans Railroad Company, and to prescribe the conditions upon which such sales shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value, as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties and the operation thereof," and moved that the Senate *do not* concur in House amendments, and that a Free Conference Committee be asked for.

Adopted.

Senator Miller called up

Senate bill No. 172, A bill to be entitled "An Act to create the office of State Purchasing Agent for the various eleemosynary institutions of the State of Texas, to define his duties, term of office, mode of qualification and compensation, to abolish the office or position of steward, quartermaster or other similar position in said institutions, to require all supplies to be purchased by said agent under competitive bids or contracts, to provide for the appointment of storekeepers or accountants in said institutions, and define the duties thereof, to make an appropriation for the salary of said Purchasing Agent, to provide for the appointment of two clerks for said Purchasing Agent, and to make appropriation for their salaries," and moved that the Senate *do* concur in the House amendments thereto.

Adopted by the following vote:

Yeas—25.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Patterson.
Goss.	Potter.
Greer.	Ross.
Hanger.	Sebastian.
Kerr.	Stafford.
Lewis.	Stone.
Linn.	Terrell.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

Nays—2.

Grinnan.	Johnson.
	Absent.
Gough.	Turney.
James.	

Absent—Excused.

Yett.

BILL SIGNED.

The Chair signed, in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 283, "An Act to amend Section 37, of Article 22, Title IV, Revised Civil Statutes of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to the Thirty-seventh Judicial District Court and the Forty-fifth Judicial District Court of Texas, in Bexar county, prescribing the jurisdiction thereof, fixing the time of holding said courts, providing for the election of the judges thereof and of the district attorney of the Thirty-seventh Judicial District; and to create the Fifty-seventh Judicial District of the State of Texas, to fix the time of holding court therein, and to prescribe the jurisdiction thereof, and to provide for the appointment of a district judge of said Fifty-seventh Judicial District; and to prescribe the time for holding the district courts of Bexar county of the Thirty-seventh Judicial District and the Forty-fifth Judicial District, and to define the jurisdiction thereof; and to repeal all laws and parts of laws in conflict therewith."

SENATE BILL NO. 321.

By unanimous consent, Senator Atlee introduced the following bill:

By Senator Atlee:

Senate bill No. 321, A bill to be entitled "An Act to repeal 'An Act to incorporate the town of San Patricio, in the county of San Patricio,' approved February 7, 1853."

Read first time, and referred to Committee on Towns and City Corporations.

On motion of Senator Linn the Senate adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Hanger.
Burns.	James.
Davidson.	Johnson.
Dibrell.	Kerr.
Goss.	Lewis.
Greer.	Linn.
Grinnan.	Lloyd.

McGee.
Miller.
Morris.
Neal.
Odell.
Patterson.
Potter.

Ross.
Sebastian.
Stafford.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.

Turney.

Absent—Excused.

Yett.

PENDING BUSINESS.

The Senate resumed consideration of House bill No. 342 (the Dallas city charter bill), action being on the amendment of Senator Stafford, to wit:

"Amend by striking out Section 203."

Pending discussion, the Chair announced the following

FREE CONFERENCE COMMITTEE.

Free Conference Committee on Senate bill No. 144: Senators Greer, Lloyd, Miller, Dibrell and Wayland.

After consideration of House bill No. 342, Senator Yantis moved the previous question on the bill and pending amendments.

Motion duly seconded.

Upon this motion, Senator Stafford moved a call of the Senate. Duly seconded, the following Senators answering to their names:

Atlee.
Burns.
Davidson.
Dibrell.
Goss.
Greer.
Grinnan.
Hanger.
James.
Johnson.
Kerr.
Lewis.
Linn.
Lloyd.

McGee.
Miller.
Morris.
Neal.
Odell.
Patterson.
Potter.
Ross.
Sebastian.
Stafford.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.

Turney.

Absent—Excused.

Yett.

Senator Miller moved that the absentees be excused on the pending bill.

Lost by the following vote (it requiring a two-thirds vote to excuse):

Yeas—19.

Burns.
Dibrell.
Goss.
Greer.

Grinnan.
Hanger.
James.
McGee.

Miller.
Morriss.
Neal.
Potter.
Sebastian.

Stone.
Terrell.
Wayland.
Yantis.

Nays—11.

Atlee.
Davidson.
Johnson.
Kerr.
Lewis.
Linn.

Lloyd.
Odell.
Patterson.
Ross.
Stafford.

Absent.

Gough.
Turney.

Yett.

Senator Linn moved to adjourn until tomorrow morning at 10 o'clock.

Lost by the following vote:

Yeas—12.

Atlee.
Davidson.
Johnson.
Kerr.
Lewis.
Linn.

Lloyd.
Neal.
Odell.
Patterson.
Ross.
Stafford.

Nays—16.

Burns.
Dibrell.
Goss.
Greer.
Grinnan.
Hanger.
James.
McGee.

Miller.
Morriss.
Potter.
Sebastian.
Stone.
Terrell.
Wayland.
Yantis.

Absent.

Gough.
Turney.

Yett.

The Sergeant-at-Arms was instructed to bring in the absentees.

REGULAR ORDER.

The Chair laid before the Senate

House bill No. 107, A bill to be entitled "An Act to amend Article 3909, Title LXXXVI, Chapter 7, of the Revised Civil Statutes of the State of Texas, 1895, relating to the course of study taught in the public schools of Texas, so as hereafter to read as follows," action being on second reading.

The bill was read a second time.

Pending action, by unanimous consent, the following committee reports were sent up:

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 28, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 264, being a bill to be entitled "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,

Austin, Texas, April 11, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 307, being a bill to be entitled "An Act to diminish the criminal jurisdiction of the County Court of Titus county and to conform the jurisdiction of the district court of said county to the change,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,

Austin, Texas, April 13, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Roads, Bridges and Ferries, to whom was referred

House bill No. 746, being a bill to be entitled "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ODELL, Chairman.

REGULAR ORDER.

The Senate resumed consideration of House bill No. 107 (see above).

By Senator Odell:

"Amend by striking out the enacting clause."

Lost by the following vote:

Yeas—10.

Davidson.
Greer.
Johnson.
Lewis.
Linn.

McGee.
Odell.
Patterson.
Ross.
Stafford.

Nays—18.

Atlee.
Burns.

Dibrell.
Goss.

Grinnan.	Neal.
Hanger.	Potter.
James.	Sebastian.
Kerr.	Stone.
Lloyd.	Terrell.
Miller.	Wayland.
Morriss.	Yantis.

Absent.

Gough.	Turney.
Absent—Excused.	

Yett.

By Senator Terrell:

"Amend by striking out 'two lessons a week' and insert 'one lesson a week' where it appears in the bill."

Senator James made the point of order that the same amendment had been acted upon at a previous session.

Sustained.

By Senator Odell:

"Amend by striking out 'two lessons a week' and inserting in lieu thereof 'one lesson during each school term.'"

By Senator Terrell:

"Substitute for amendment: Amend by striking out 'two lessons a week' and insert 'one lesson every two weeks.'"

Substitute adopted by the following vote:

Yeas—14.

Atlee.	Morriss.
Goss.	Neal.
Hanger.	Potter.
James.	Sebastian.
Kerr.	Stone.
Lloyd.	Terrell.
Miller.	Wayland.

Nays—12.

Burns.	Linn.
Davidson.	McGee.
Greer.	Odell.
Grinnan.	Patterson.
Johnson.	Ross.
Lewis.	Yantis.

Absent.

Gough.	Turney.
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Absent—Excused.

Yett.

The amendment as substituted was adopted by the following vote:

Yeas—19.

Davidson.	Miller.
Goss.	Morriss.
Greer.	Neal.
James.	Patterson.
Kerr.	Potter.
Linn.	Sebastian.
Lloyd.	Stafford.
McGee.	Stone.

Terrell.	Yantis.
Wayland.	

Nays—8.

Atlee.	Hanger.
Burns.	Johnson.
Dibrell.	Odell.
Grinnan.	Ross.

Absent.

Gough.	Turney.
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Absent—Excused.

Yett.

By Senator Davidson:

"Amend line 25, page 1, by striking out 'animals' and inserting 'men.'"

Senator Burns made the point of order that the amendment was not germane to the bill.

Not sustained.

By Senator Goss:

Substitute for amendment:

"Insert before 'animals' the words 'man and.'"

Lost.

The amendment of Senator Davidson was then lost by the following vote:

Yeas—10.

Davidson.	McGee.
Greer.	Odell.
Johnson.	Patterson.
Lewis.	Ross.
Linn.	Yantis.

Nays—17.

Atlee.	Miller.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Kerr.	Wayland.
Lloyd.	

Absent.

Gough.	Turney.
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Absent—Excused.

Yett.

Senator Terrell moved to excuse the absentees on the Dallas city charter bill.

Lost by the following vote:

Yeas—17.

Burns.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Greer.	Sebastian.
Grinnan.	Stone.
Hanger.	Terrell.
James.	Wayland.
McGee.	Yantis.
Miller.	

Nays—11.

Atlee.	Lloyd.
Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Lewis.	Stafford.
Linn.	

Absent.

Gough.	Turney.
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Absent—Excused.

Yett.

Senator Ross moved to postpone pending business and take up House bill No. 746 (local road bill for Lamar county).

Adopted by the following vote:

Yeas—19.

Atlee.	Lloyd.
Davidson.	McGee.
Dibrell.	Odell.
Grinnan.	Patterson.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Stone.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	

Nays—9.

Burns.	Neal.
Goss.	Potter.
Greer.	Stafford.
Miller.	Terrell.
Morriss.	

Absent.

Gough.

Absent—Excused.

Yett.

The Chair laid before the Senate, on its second reading,

House bill No. 746, A bill to be entitled "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith."

Pending the reading of the bill, Senator Stafford moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Adopted by the following vote:

Yeas—14.

Atlee.	Lloyd.
Davidson.	Neal.
Dibrell.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Lewis.	Sebastian.
Linn.	Stafford.

Nays—13.

Burns.	Morriss.
Goss.	Potter.
Greer.	Stone.
Hanger.	Terrell.
James.	Wayland.
McGee.	Yantis.
Miller.	

Absent.

Gough.	Turney.
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Absent—Excused.

Yett.

SIXTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas, Friday, April 14, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Linn.	Wayland.
Lloyd.	Yantis.

Absent.

Lewis.	Turney.
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Absent—Excused.

Yett.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Ross, the same was dispensed with.

EXCUSED.

On motion of Senator Lloyd, Journal Clerk W. B. O'Quinn was excused indefinitely on account of sickness in his family.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 14, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 314, being a bill to be